

SECOND REGULAR SESSION

SENATE BILL NO. 903

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DIXON.

Read 1st time January 10, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5855S.01I

AN ACT

To repeal sections 304.012 and 304.820, RSMo, and to enact in lieu thereof one new section relating to the operation of motor vehicles, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 304.012 and 304.820, RSMo, are repealed and one new
2 section enacted in lieu thereof, to be known as section 304.012, to read as follows:

304.012. 1. Every person operating a motor vehicle on the roads and
2 highways of this state shall drive the vehicle in a careful and prudent manner
3 and at a rate of speed so as not to endanger the property of another or the life or
4 limb of any person and shall exercise the highest degree of care.

5 2. **Violations of the degree of care required in subsection 1 of this**
6 **section shall include, but not be limited to, operation of a vehicle while**
7 **using a cell phone, personal digital assistant, electronic device with**
8 **mobile data access, laptop computer, pager, electronic game, portable**
9 **computing device, or global navigation satellite system receiver, or**
10 **while otherwise diverting one's attention from safe operation of the**
11 **vehicle.**

12 3. Any person who violates the provisions of this section is guilty of a
13 class B misdemeanor, unless an accident is involved then it shall be a class A
14 misdemeanor.

[304.820. 1. Except as otherwise provided in this section,
2 no person twenty-one years of age or younger operating a moving
3 motor vehicle upon the highways of this state shall, by means of a
4 hand-held electronic wireless communications device, send, read,
5 or write a text message or electronic message.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

6 2. Except as otherwise provided in this section, no person
7 shall operate a commercial motor vehicle while using a hand-held
8 mobile telephone.

9 3. Except as otherwise provided in this section, no person
10 shall operate a commercial motor vehicle while using a wireless
11 communications device to send, read, or write a text message or
12 electronic message.

13 4. The provisions of subsection 1 through subsection 3 of
14 this section shall not apply to a person operating:

15 (1) An authorized emergency vehicle; or

16 (2) A moving motor vehicle while using a hand-held
17 electronic wireless communications device to:

18 (a) Report illegal activity;

19 (b) Summon medical or other emergency help;

20 (c) Prevent injury to a person or property; or

21 (d) Relay information between a transit or for-hire operator
22 and that operator's dispatcher, in which the device is permanently
23 affixed to the vehicle.

24 5. Nothing in this section shall be construed or interpreted
25 as prohibiting a person from making or taking part in a telephone
26 call, by means of a hand-held electronic wireless communications
27 device, while operating a noncommercial motor vehicle upon the
28 highways of this state.

29 6. As used in this section, "electronic message" means a
30 self-contained piece of digital communication that is designed or
31 intended to be transmitted between hand-held electronic wireless
32 communication devices. "Electronic message" includes, but is not
33 limited to, electronic mail, a text message, an instant message, or
34 a command or request to access an internet site.

35 7. As used in this section, "hand-held electronic wireless
36 communications device" includes any hand-held cellular phone,
37 palm pilot, blackberry, or other mobile electronic device used to
38 communicate verbally or by text or electronic messaging, but shall
39 not apply to any device that is permanently embedded into the
40 architecture and design of the motor vehicle.

41 8. As used in this section, "making or taking part in a

42 telephone call" means listening to or engaging in verbal
43 communication through a hand-held electronic wireless
44 communication device.

45 9. As used in this section, "send, read, or write a text
46 message or electronic message" means using a hand-held electronic
47 wireless telecommunications device to manually communicate with
48 any person by using an electronic message. Sending, reading, or
49 writing a text message or electronic message does not include
50 reading, selecting, or entering a phone number or name into a
51 hand-held electronic wireless communications device for the
52 purpose of making a telephone call.

53 10. A violation of this section shall be deemed an infraction
54 and shall be deemed a moving violation for purposes of point
55 assessment under section 302.302.

56 11. The state preempts the field of regulating the use of
57 hand-held electronic wireless communications devices in motor
58 vehicles, and the provisions of this section shall supercede any
59 local laws, ordinances, orders, rules, or regulations enacted by a
60 county, municipality, or other political subdivision to regulate the
61 use of hand-held electronic wireless communication devices by the
62 operator of a motor vehicle.

63 12. The provisions of this section shall not apply to:

64 (1) The operator of a vehicle that is lawfully parked or
65 stopped;

66 (2) Any of the following while in the performance of their
67 official duties: a law enforcement officer; a member of a fire
68 department; or the operator of a public or private ambulance;

69 (3) The use of factory-installed or aftermarket global
70 positioning systems (GPS) or wireless communications devices used
71 to transmit or receive data as part of a digital dispatch system;

72 (4) The use of voice-operated technology;

73 (5) The use of two-way radio transmitters or receivers by a
74 licensee of the Federal Communications
75 Commission in the Amateur Radio Service.]

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